

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:15-cv-150-FDW**

DEMITURES ELLIS,

Plaintiff,

vs.

AVERY MITCHELL CORRECTIONAL,

Defendant.

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ORDER

THIS MATTER comes before the Court on its own motion following Plaintiff's failure to respond to the Court's Show Cause Order dated September 9, 2015.

On July 10, 2015, pro se Plaintiff Demitures Ellis filed this action pursuant to 42 U.S.C. § 1983, alleging that Defendant Avery Mitchell Correctional Institution violated his First Amendment right to free exercise of religion by denying him the vegan diet that his religion requires. Plaintiff also cites the Religious Land Use and Institutionalized Persons Act ("RLUIPA"), 42 U.S.C. § 2000cc-1 et seq. Plaintiff originally filed this action in the Eastern District of North Carolina, and on July 21, 2015, the Eastern District transferred the action to this Court.

In the Court's prior show cause order, the Court gave Plaintiff 20 days in which to submit to the Court documents showing that he filed a grievance as to his claim and proceeded through all three steps of the grievance process before filing this action. The Court noted in the show cause order that, despite asserting in his administrative remedy statement that he exhausted his administrative remedies as to his claim and that he attached the relevant grievances, Plaintiff

attached no grievances showing that he exhausted his administrative remedies before filing this action. See (Doc. No. 7). In the show cause order, the Court specifically warned Plaintiff that his failure to submit a timely response would result in the dismissal of this action without prejudice and without further notice to Plaintiff. Plaintiff has not responded to the Court's order. This action is, therefore, dismissed without prejudice.


Frank D. Whitney
Chief United States District Judge

